

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 DANE R. GILLETTE  
Chief Assistant Attorney General  
3 GERALD A. ENGLER  
Senior Assistant Attorney General  
4 PEGGY S. RUFFRA  
Supervising Deputy Attorney General  
5 PAMELA K. CRITCHFIELD  
Deputy Attorney General  
6 State Bar No. 168024  
455 Golden Gate Avenue, Suite 11000  
7 San Francisco, CA 94102-3664  
Telephone: (415) 703-5952  
8 Fax: (415) 703-1234  
Email: pamela.critchfield@doj.ca.gov  
9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 **THOMAS DANIEL STROW,**

14 Petitioner,

15 v.

16 **M. MARTEL, Warden,**

17 Respondent.  
18

C 08-0629 CRB (PR)

**EX PARTE APPLICATION FOR  
EXTENSION OF TIME TO FILE  
ANSWER OR OTHERWISE  
RESPONSIVE PLEADING**

19 For the reasons stated in the accompanying declaration of counsel, respondent hereby  
20 requests a sixty (60) day extension of time, to and including September 24, 2008, within which to  
21 file an answer or otherwise responsive pleading to the petition for writ of habeas corpus, as required  
22 by this Court's Order to Show Cause filed May 27, 2008. This application is based on the file in this  
23 case and the accompanying declaration of Pamela K. Critchfield. A stipulation has not been sought.  
24 Petitioner is in custody in state prison and is not represented by counsel.  
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26  
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1 Dated: July 30, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.  
Attorney General of the State of California

4 DANE R. GILLETTE  
Chief Assistant Attorney General

5 GERALD A. ENGLER  
Senior Assistant Attorney General

6 PEGGY S. RUFFRA  
Supervising Deputy Attorney General

7 /s/ Pamela K. Critchfield

8  
9 PAMELA K. CRITCHFIELD  
10 Deputy Attorney General  
11 Attorneys for Respondent

12 20129451.wpd

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Thomas Daniel Strow v. Martel, Warden**

No.: **C 08-0629 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 30, 2008, I served the attached

**EX PARTE APPLICATION FOR EXTENSION OF TIME TO FILE ANSWER OR OTHERWISE RESPONSIVE PLEADING;**

**DECLARATION OF COUNSEL IN SUPPORT OF EX PARTE APPLICATION FOR EXTENSION OF TIME TO FILE ANSWER OR OTHERWISE RESPONSIVE PLEADING;**


**[PROPOSED] ORDER EXTENDING TIME WITHIN WHICH TO FILE ANSWER OR OTHERWISE RESPONSIVE PLEADING**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Thomas D. Strow  
V47104  
Mule Creek State Prison  
P.O. Box 409060  
Ione, CA 95640**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 30, 2008, at San Francisco, California.

J. Wong  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 DANE R. GILLETTE  
Chief Assistant Attorney General  
3 GERALD A. ENGLER  
Senior Assistant Attorney General  
4 PEGGY S. RUFFRA  
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9 Attorneys for Respondent

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14 Petitioner,

15 v.

16 **M. MARTEL, Warden,**

17 Respondent.  
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C 08-0629 CRB (PR)

**DECLARATION OF COUNSEL IN  
SUPPORT OF EX PARTE  
APPLICATION FOR EXTENSION  
OF TIME TO FILE ANSWER OR  
OTHERWISE RESPONSIVE  
PLEADING**

19 I, PAMELA CRITCHFIELD, declare under penalty of perjury the following:

20 I am a Deputy Attorney General for the State of California and am responsible for the  
21 preparation and filing of a response to this Court's Order to Show Cause filed May 27, 2008, which  
22 directed respondent to file a response within 60 days or by July 26, 2008. I request a sixty-day  
23 extension of time, to an including September 24, 2008, within which to file my answer. This is the  
24 first extension of time request I have made.

25 I was unable to file a response by July 26, 2008,<sup>1/</sup> because of the press of my caseload with  
26

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27 1. I was unable to file this request for an extension of time by July 26 because I mis-  
28 calendared the Order to Show Cause.

1 chronological precedence to this case. Most significantly, I have been working for approximately  
2 10 months on preparing the answer to a habeas corpus petition in the capital case of *Kristin Hughes*  
3 *v. Robert Ayers*, C 03-2666. The case involved 133 issues and included almost 10,000 pages of  
4 transcripts. In addition, I prepared the appellee's brief in the case of *Solis v. Knowles*, 07-16323,  
5 which is due in the Ninth Circuit in the next several weeks.

6 In addition, the state court record in this case has been ordered, but has not yet arrived in  
7 our San Francisco office.

8 Finally, I will be out of the office on vacation from August 10 through August 21 and will  
9 not be able to work on this case until after my return.

10 Accordingly, for the reasons set forth above, I request an extension of 60 days, to and  
11 including September 24, 2008, to prepare and file the answer or otherwise responsive pleading in  
12 this case.

13 Dated: July 30, 2008

14 Respectfully submitted,

15 EDMUND G. BROWN JR.  
Attorney General of the State of California

16 DANE R. GILLETTE  
Chief Assistant Attorney General

17 GERALD A. ENGLER  
Senior Assistant Attorney General

18 PEGGY S. RUFFRA  
Supervising Deputy Attorney General

20 /s/ Pamela K. Critchfield

21 PAMELA K. CRITCHFIELD  
Deputy Attorney General

22 Attorneys for Respondent

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5  
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8 SAN FRANCISCO DIVISION

9 **THOMAS DANIEL STROW,**

10 Petitioner,

11 v.

12 **M. MARTEL, Warden,**

13 Respondent.  
14

C 08-0629 CRB (PR)

**[PROPOSED] ORDER  
EXTENDING TIME WITHIN  
WHICH TO FILE ANSWER OR  
OTHERWISE RESPONSIVE  
PLEADING**

15 IT IS HEREBY ORDERED that the time within which respondent is to respond to the  
16 Order to Show Cause of May 27, 2008, and provide the relevant state court record, will be extended  
17 to September 24, 2008. Petitioner's traverse, if any, shall be filed and served within 30 days of  
18 service of an answer or otherwise responsive pleading.

19 Dated: \_\_\_\_\_  
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26 \_\_\_\_\_  
27 CHARLES R. BREYER  
28 United States District Judge